



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

FOO/159837

PRELIMINARY RECITALS

Pursuant to a petition filed August 12, 2014, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Milwaukee Enrollment Services in regard to FoodShare benefits (FS), a hearing was held on September 09, 2014, at Milwaukee, Wisconsin.

The issue for determination is whether Milwaukee Enrollment Services (the agency) correctly pro-rated the Petitioner's benefits for August 2014.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: Simone Johnson, Income Maintenance Specialist Advanced
Milwaukee Enrollment Services
1220 W Vliet St, Room 106
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Mayumi M. Ishii
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. On June 16, 2014, the agency sent the Petitioner a 45-day Reminder Letter to Apply for Regular FoodShare benefits. The letter advised Petitioner that her transitional FoodShare benefits were going to end on July 31, 2014. (Exhibit 2, pg.11)

3. On July 18, 2014, the agency sent the Petitioner a notice indicating that her FoodShare benefits would be ending effective August 1, 2014, because the five month Transitional FoodShare period was ending and the Petitioner had not applied for Regular FoodShare benefits. (Exhibit 2, pgs. 12 and 13)
4. On August 12, 2014, the Petitioner went to the agency to inquire about her Foodshare benefits and completed a renewal. The agency informed the Petitioner at that time, that her benefits would be pro-rated for the month of August 2014. (Exhibit 2, pg. 9)
5. On August 13, 2014, the agency sent the Petitioner a notice indicating that she would receive \$483.00 in FoodShare benefits for the month of August 2014 and that she would receive \$750.00 per month from September 2014 going forward. (Exhibit 2, pg. 16)
6. The Petitioner filed a request for fair hearing that was received by the Division of Hearings and Appeals on August 12, 2014. (Exhibit 1)

DISCUSSION

The Transitional FoodShare benefit period ends after five consecutive months. *FoodShare Wisconsin Handbook (FSH) §5.1.1.8* To continue receiving FoodShare benefits, the recipient must complete a recertification, including an interview before the end of the 5th month. *Id.*

An interview must be completed within the review month of the current certification period to be considered timely. *FSH §2.2.1.4* If the household failed to complete a timely interview, FoodShare will close effective the last day of the review month and a new FoodShare application is required. *Id.*

In the case at hand, the Petitioner did not complete the recertification / interview by the end of the review month, which was July 2014. Consequently, when she contacted the agency on August 13, 2014, her request for FoodShare benefits was correctly treated as a new application for benefits.

The filing date for a new application made after a failure to complete a review/renewal is the date the late renewal/review is completed. In this case, Petitioner's filing date was August 13, 2014. *FSH 2.1.1.4* Benefits are then pro-rated from the date the late renewal/review is completed. *FSH 2.1.1.4; see Example 3* Accordingly, it is found that the agency correctly prorated the Petitioner's benefits for August 2014.

CONCLUSIONS OF LAW

The agency correctly pro-rated the Petitioner's benefits for August 2014.

THEREFORE, it is

ORDERED

That the petition is dismissed.

REQUEST FOR A REHEARING

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as

"PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be served and filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

For purposes of appeal to circuit court, the Respondent in this matter is the Department of Health Services. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 1 West Wilson Street, Room 651, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Milwaukee,
Wisconsin, this 26th day of September, 2014

\sMayumi M. Ishii
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on September 26, 2014.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability